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RUEHQT/AMEMBASSY QUITO 8322  
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TAGS: [PHUM](#) [PGOV](#) [PTER](#) [KJUS](#) [PREL](#) [MOPS](#) [MCAP](#) [CO](#)  
SUBJECT: MILITARY HUMAN RIGHTS ADVANCES FACE GROWING  
RESISTANCE

REF: BOGOTA 1826

Classified By: Political Counselor John S. Creamer  
Reasons: 1.4 (b) and (d)

#### SUMMARY

1. (C) President Uribe is increasingly sensitive to the need for further human rights progress within the military, publicly praising the efforts of former Defense Minister Juan Manuel Santos in this regard. Current GOC human rights initiatives have garnered results: reducing extrajudicial killings by half, advancing effective civilian investigations, and eliminating the body-count system as a measure of success. Still, Vice Defense Minister Sergio Jaramillo told us Uribe must balance the need for more progress against aggressive claims by some officers and right-wing politicians that the human rights emphasis undermines the war effort. Army Commander General Oscar Gonzalez Pena supports some new human rights initiatives, but continues to obstruct investigations. Uribe has looked into human rights allegations against Gonzalez, but appears reluctant to disrupt military operations by his removal. End Summary

#### MILITARY MAKES ADVANCES IN HUMAN RIGHTS

2. (C) Vice Defense Minister Sergio Jaramillo told us that President Alvaro Uribe is showing increasing sensitivity to human rights issues, including publicly praising outgoing Defense Minister Juan Man6Qolombia in the U.S. Congress.

3. (C) Jaramillo said Army Commander General Oscar Enrique Gonzalez Pena has also become more supportive of select human rights initiatives. Gonzalez has actively backed a SOUTHCOM-funded Rules of Engagement (ROE) exercise that led to the May 22 issuance of Ministerial Directive 17, which acknowledges Colombia's obligation to uphold human rights and International Humanitarian Law standards and outlines a two card system defining rules governing the use of lethal force in actions against legitimate military targets as well as in law enforcement situations. Gonzalez has approved plans for the roll-out and application of the new ROE.

14. (C) United Nations High Commissioner for Human Rights (UNHCHR) Deputy Director Javier Hernandez agreed that the military--pushed by Santos and Jaramillo--has made significant strides on human rights. He attributed the 50% drop in extrajudicial killings by security forces from 2007 to 2008 to numerous GOC actions, including Uribe's high-profile dismissal of 27 military personnel and measures banning the use of body-count to measure success. UNHCHR-verified extrajudicial killings fell to 134 in 2008, down from 291 in 2007, while reports of suspected killings fell to 193 in 2008, down from 397 in 2007 (REFTEL). Hernandez confirmed such killings have continued to drop in 2009. He said UNHCHR expects human rights groups' data to show a similar trend.

15. (SBU) Hernandez also cited the increasing number of prosecutions of military personnel by the Prosecutor General's Office (Fiscalia) for extrajudicial killings as further progress. The Fiscalia has issued arrest orders for 65 military personnel in its investigation of the Soacha cases, launched prosecutions of other extrajudicial killings, and in May obtained convictions of ten military personnel in two separate cases (with sentences ranging from 28 to 58 years).

YET, COUNTER-REFORMISTS STILL HAVE STRONG VOICE  
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16. (C) Despite the progress, Jaramillo said Uribe still has to balance his different constituencies, including reactionary right-wing figures such as former Interior Minister Fernando Londono Hoyos, Cattle Ranchers' Industry Group (Fedegan) President Jose Felix Lafaurie, and retired General Alejo Rito del Rio (currently jailed pending charges for homicide and paramilitary ties), who were close to him when he was governor in Antioquia. All three argue that the emphasis on human rights is detrimental to the war effort and is an invention of human rights groups sympathetic to the FARC.

17. (C) Some in the Casa de Narino echo this view. Secretary of the Presidency Bernardo Moreno told us on May 22 that many Fiscalia investigations of military Human Rights abuses are motivated by leftist bias within the Fiscalia's Human Rights Unit and are designed to weaken the military. He asserted that the leftist strategy is working, leading to low morale and lack of aggressiveness among military commanders.

18. (C) Moreno also claimed Armed Forces Commander and Acting Defense Minister (MOD) Freddy Padilla's failure to defend officers from the Fiscalia has weakened his position among Army officers. Jaramillo told us Padilla continues to navigate a middle course on human rights, recognizing the need for progress but seeking to avoid a backlash from hard-liners within the officer corps. Jaramillo said Padilla told him he did not oppose Uribe's appointment of Gonzalez as Army Commander last November to avert a "civil war" within the officer corps.

19. (C) Hernandez told us General Gonzalez, Army Human Rights Director General Jorge Rodriguez, and other high-ranking military officials called the Fiscalia's investigations of military personnel involvement in extrajudicial executions a "judicial war" in a closed door meeting with a foreign diplomat at the end of May. Hernandez said future human rights progress will be difficult without strong support from the next Defense Minister.

GENERAL GONZALEZ LAUNCHING QUIET COUNTER-REFORM?  
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10. (C) Presidential Human Rights Director Carlos Franco said despite Gonzalez' support for the ROE initiative, he and other officers continue to block investigations of military personnel. He said acting head of the military criminal justice system, Colonel Edgar Emilio Avila Mora, who was

hand-picked by Gonzalez, is trying to safeguard military personnel from civilian prosecution. Franco told us military justice is holding 300 cases, involving approximately 550 victims, that should be transferred to the Fiscalía.

¶11. (U) El Tiempo reported on June 9 that Avila ordered the transfer of over 40 judges, prosecutors, and investigators--30% of military justice personnel--during his first week in office. After initially supporting Avila's actions, Armed Forces Commander Freddy Padilla's office issued a press release calling for a thorough review. The same day, opposition Senator Gustavo Petro reported Avila had been investigated for accepting funds from paramilitaries to pay the legal defense costs of military personnel charged with crimes. Avila claimed he was exonerated in an Inspector General's Office (Procuraduria) investigation; the Ministry of Defense has not responded to Petro's claim.

¶12. (C) MOD Legal Advisor Monica Cifuentes (strictly protect) said Army Inspector General Carlos Suarez also remains under pressure from Gonzalez. Suarez continues to investigate false positive cases, but Gonzalez has made clear he will not dismiss any more military officers as a result of the investigations. Cifuentes also claimed Gonzalez criticizes as a "traitor" each military criminal justice judge who turns over a case to the civilian justice system. She said word continues to circulate in the military and Casa de Narino that the next MOD will implement a "counter reform" to downgrade the importance of human rights.

#### URIBE CONCERNED, BUT UNWILLING TO REMOVE GONZALEZ

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¶13. (C) Jaramillo and Franco told us Uribe is increasingly concerned about reports of Gonzalez' alleged involvement in human rights abuses. Uribe has discussed Gonzalez, situation--including his ties to former army Major Julio Cesar Parga Rivas, who was involved in extrajudicial killings in Cordoba, and was extradited to the U.S. on narcotics trafficking charges--with Jaramillo and Franco. Still, Jaramillo said Uribe remains reluctant to remove Gonzalez at the time, because it would disrupt continuity and operations. He noted it would also be difficult to remove Gonzalez without removing other Generals as well.

Brownfield